

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:14-cv-586-PLR-CCS
v.)	
)	
REAL PROPERTY LOCATED AT)	
3360 DAVIS FERRY ROAD,)	
LOUDON, TENNESSEE 37774,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and referral from the District Judge [Doc. 11].

Now before the Court is the United States' Motion to Stay Civil Forfeiture Proceedings [Doc. 10], filed on February 3, 2015. On April 16, 2015, Petitioners Luis and Aurora Carvajal filed a Notice of No Objection to Request for Stay [Doc. 14]. For the reasons stated herein, the undersigned will **RECOMMEND** that the Motion to Stay be **GRANTED**.

Plaintiff moves this Court to stay the civil forfeiture proceedings on the basis that allowing any claimant to go forward with civil discovery would prejudice the United States' ability to conduct a related criminal investigation. Plaintiff argues that allowing any potential claimant to seek civil discovery could compromise confidential law enforcement information, as well as provide improper opportunities for a claimant to ascertain prematurely the details of the ongoing criminal investigation.

Pursuant to 18 U.S.C. § 981 (g)(1), as incorporated by 21 U.S.C. § 881(i):

Upon a motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

18 U.S.C. § 981 (g)(1).

Luis and Aurora Carvajal gave notice that they have no objection to staying the civil proceedings in this matter until related criminal proceedings have reached disposition. See, Doc. 14].

Based upon the foregoing, and the lack of objection, the undersigned finds that the United States' Motion to Stay Civil Forfeiture Proceedings [**Doc. 10**] is well-taken and **RECOMMENDS**¹ that it be **GRANTED**. The undersigned **RECOMMENDS** that the civil forfeiture proceedings, including, but not limited to the Petitions for Remission or Mitigation of Forfeiture, filed by Luis Carvajal and Aurora Carvajal [**Doc. 9 and 12**], are stayed in this case until the criminal investigation, and any related criminal investigations and prosecutions, are complete.

Respectfully Submitted,

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).